

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00023-MR-DLH

United States of America

vs.

318 Jody Street, East Flat Rock,
Henderson County, North
Carolina, as described in Deed
Book 851, at Page 485, in the
Henderson County Registry,
being real property,
approximately .34 acres, together
with the improvements, and
attachments thereon;

Lot Number 60 Jody Street, East
Flat rock, Henderson County,
North Carolina, as described in
Deed Book 900, at Page 554, in
the Henderson County Registry,
being real property,
approximately .18 acres, together
with the improvements, and
attachments thereon;

Lot Number 61 Jody Street, East
Flat rock, Henderson county,
North Carolina, as described in
Deed Book 900, at Page 554, in
the Henderson County Registry,
being real property,
approximately .18 acres, together
with the improvements, and
attachments thereon.

DEFAULT JUDGMENT AND FINAL
ORDER AND JUDGMENT OF
FORFEITURE

THIS MATTER is before the Court on the United States of America's Motion, pursuant to Fed. R. Civ. P. 55(b)(2) and applicable forfeiture law, for entry of Default Judgment and Final Order and Judgment of Forfeiture in this case. [Doc. 34]. For good cause shown, this Court will grant the Motion.

I. BACKGROUND

A. Complaint

On February 9, 2015, the United States filed a verified Complaint for Forfeiture *In Rem* [Doc. 1] against the above captioned properties ("Jody Street Properties") and another property ("Holmes Street Property"). The Complaint alleged that the Jody Street Properties and Holmes Street Property constituted proceeds of and facilitated controlled substances offenses, and were therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) and (7). [Id.].

B. Direct Notice and Notice by Publication

Since Vivian Hunt and Harvey Hunt held title to the Jody Street Properties, Vivian Hunt and Veronica Quick appeared to hold an interest in the Holmes Street Property, and Dorothy Hunt was related to Vivian and Harvey, and appeared to reside at the Holmes Street Property, the Government then provided direct notice of the Complaint to Vivian Hunt,

Harvey Hunt, Dorothy Hunt, and Veronica Quick. Details of the direct notice are set forth in Exhibit A to the Government's Motion for Default Judgment.

In addition to the above detailed direct notice, the Government provided notice by publication as to all persons in the world with potential claims to the Defendant Property by publishing notice via www.forfeiture.gov from February 24, 2015 through March 25, 2015, as shown on the Submission of Declaration of Publication [Doc. 9] filed on March 26, 2015. Based on the foregoing, process was fully issued and returned according to law.

C. Settlement of Claims

On March 24, 2015, Vivian Hunt, Harvey Hunt, and Veronica Quick filed a verified Claim [Doc. 6]. The case was subsequently stayed, pending a criminal investigation, until September 2016 [Doc. 20]. On October 13, 2016, Vivian Hunt, Harvey Hunt, and Veronica Quick filed their Answers to the Complaint [Docs. 21, 22 & 23].

Following issuance by the Court of a Pretrial Order [Doc. 28] in November 2016, the Government, Vivian Hunt, Harvey Hunt, and Veronica Quick entered into settlement negotiations. As a result of those negotiations and on Motion of the parties, on March 14, 2017, the Court signed and entered the Consent Order for Third Party Petitions [Doc. 30], dismissing the

Holmes Street Property from this case and dismissing all claims to the Jody Street Properties.

D. Entry of Default

Based on the foregoing, on March 21, 2017, the Government filed a Motion for Entry of Default [Doc. 32] as to all persons except for Vivian Hunt, Harvey Hunt, and Veronica Quick. On March 21, 2017, the Clerk issued an Entry of Default [Doc. 33].

II. DISCUSSION

The United States has provided direct notice and notice by publication as required by Federal Rules of Civil Procedure, Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, Rule G. Other than Vivian Hunt, Harvey Hunt, and Veronica Quick, whose claims have been adjudicated and who have consented to final forfeiture of the Jody Street Properties, no other persons or entities have filed a claim or answer within the time required by the Complaint, the public notice, or the Supplemental Rules. Further, the Clerk has entered default in accordance with Fed. R. Civ. P. 55(a). Under such circumstances, Rule 55(b)(2) provides for entry of Default Judgment by this Court. Based on the foregoing, the Court concludes that the Government is entitled to a Judgment of

Forfeiture by Default and a Final Order and Judgment of Forfeiture against the Defendant Property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Government's Motion for Default Judgment [Doc. 34] is hereby

GRANTED.

2. Any and all right, title, and interest of all persons in the world in or to the following Jody Street Properties is hereby finally forfeited to the United States pursuant to 21 U.S.C. § 881, 18 U.S.C. § 985, and other applicable forfeiture law, and no other right, title, or interest shall exist therein:

318 Jody Street, East Flat Rock, Henderson County, North Carolina, as described in Deed Book 851, at Page 485, in the Henderson County Registry, being real property, approximately .34 acres, together with the improvements, and attachments thereon;

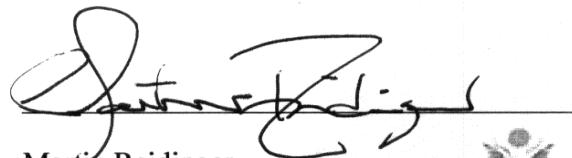
Lot Number 60 Jody Street, East Flat rock, Henderson County, North Carolina, as described in Deed Book 900, at Page 554, in the Henderson County Registry, being real property, approximately .18 acres, together with the improvements, and attachments thereon;

Lot Number 61 Jody Street, East Flat rock, Henderson county, North Carolina, as described in Deed Book 900, at Page 554, in the Henderson County Registry, being real property, approximately .18 acres, together with the improvements, and attachments thereon.

3. The United States may convey title to these Jody Street Properties and is hereby directed to dispose of the properties as provided by law.

IT IS SO ORDERED.

Signed: April 21, 2017



Martin Reidinger
United States District Judge

